

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO
3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 vs. NO: CR-15-4268 JB
6 ANGEL DELEON, et al.,
7 Defendants.
8

9 Transcript of excerpt of testimony of
10 FREDERICO MUNOZ
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SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

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 (505) 843-9494
 FAX (505) 843-9492
 1-800-669-9492
 e-mail: info@litsupport.com

1 Wednesday, February 14, 2018

2 THE COURT: All right. Ms. Armijo, does
3 the Government have its next witness or evidence?

4 MS. ARMIJO: Yes. Frederico Munoz.

5 THE COURT: Mr. Munoz, before you're
6 seated, raise your right hand to the best of your
7 ability there, and Ms. Standridge, my courtroom
8 deputy, will swear you in.

9 FREDERICO MUNOZ,
10 after having been first duly sworn under oath,
11 was questioned, and testified as follows:

12 THE CLERK: Please be seated. State and
13 spell your name for the record.

14 THE WITNESS: My name is Frederico Munoz,
15 F-R-E-D-E-R-I-C-O, M-U-N-O-Z.

16 THE COURT: Mr. Munoz, Ms. Armijo.

17 MS. ARMIJO: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MS. ARMIJO:

20 Q. Mr. Munoz, are you now or have you ever
21 been a member of the Syndicato de Nuevo Mexico?

22 A. Yes.

23 Q. What is the Syndicato de Nuevo Mexico?

24 A. It was and is the largest gang in the
25 state of New Mexico.

1 Q. And what sort of things do they do?

2 A. Everything from theft to murder.

3 Q. Does it operate inside the prisons or
4 outside?

5 A. Predominantly in the prison system, and
6 outside, yes.

7 Q. And when -- how old were you when you
8 became a member?

9 A. I was 16.

10 Q. Now, you talked a little bit how you
11 became a member. Did you run into some problems as
12 a teenager, with the law, I should say?

13 A. Yes, ma'am. In the juvenile system I was
14 stealing cars a lot. I was given chances. I never
15 learned. So the juvenile court judge sentenced me
16 as a juvenile to the adult prison system.

17 Q. And at what age did you go into the adult
18 prison system?

19 A. I arrived at RDC for a diagnostics and
20 evaluation when I was 15. So right before I turned
21 16, I arrived.

22 Q. Now, did you already have a way in to the
23 SNM, so to speak, at that age?

24 A. Yes, I did.

25 Q. Okay. Tell us about that.

1 A. I was dating my sister's friend, who was
2 the niece of a very senior and prominent member of
3 the gang at that time.

4 Q. And who was her uncle?

5 A. Joe Marty Barros.

6 Q. And did you eventually meet Marty Barros?

7 A. Oh, yes.

8 Q. And what was your understanding of his
9 position in the SNM?

10 A. He was one of the main members. He had
11 decision-making authority, right below the main guy,
12 Angel Munoz.

13 Q. So when you went into the prison system as
14 a juvenile, did you actually have people waiting for
15 you, so to speak?

16 A. Yes, I did.

17 Q. Did anybody speak up for you and did you
18 officially become a member at that age, or was it
19 later?

20 A. Even before my very first day in the state
21 prison system, my girlfriend, the niece of Marty,
22 had already communicated my arrival in the state
23 system, so he knew that I was going to be showing up
24 and he communicated through her to me that they
25 would be looking out for me when I got there.

1 Q. And is that what you found when you went
2 into the prison system?

3 A. Yes, ma'am.

4 Q. And did anybody actually officially raise
5 their hand up for you and support you in, or was it
6 just automatic?

7 A. There was no -- the way you describe it,
8 it wasn't like that. It was more of like an ongoing
9 thing where the very, like, very first prominent guy
10 spoke up for me, who was Billy Garcia, and he
11 indicated to me, when I first met him in the RDC
12 facility in Grants, that if I'm going to be in the
13 system and I'm going to be around these guys, then I
14 have to be a brother, and that's how it happened.

15 Q. And what was Billy Garcia's position, if
16 any, at that time?

17 A. He was one of the main members of the
18 brotherhood at that time.

19 Q. What year are we talking about?

20 A. We're talking about 1996.

21 Q. And did you spend very long initially in
22 the prison, or did you get out while you were still
23 a juvenile?

24 A. After my diagnostics, I was returned back
25 to the juvenile district court. And my evaluation

1 didn't go the way it would if somebody wanted to get
2 out. I was reckless and careless, so I was sent
3 back immediately to the state prison system for four
4 and a half years, I believe, and for the auto
5 thefts. So I was officially committed to the state
6 prison system at that time.

7 Q. And how old were you then?

8 A. I was 16. So I served about a year,
9 maybe, and I was released in the summer of 1996.

10 Q. Okay. And is that before or after the
11 four-and-a-half-year commitment?

12 A. That was -- if that sentence -- some of it
13 was suspended.

14 Q. Okay. So you got a four-year -- you know
15 what? I'm not really sure that the jury has ever
16 understood this. Can you tell the jury what your
17 understanding is of receiving -- I'm just going to
18 use some numbers -- 10 years, but some of it is
19 suspended. What does that mean?

20 A. In my particular case, I was sentenced to
21 four and a half years and I believe the judge
22 suspended all but 18 months of that, meaning a
23 portion of that sentence would be served on
24 probation upon my release.

25 MS. ARMIJO: I'm going to move for the

1 admission of Exhibit Number 737 without objection.

2 THE COURT: Any objection? Not hearing
3 any, Government's Exhibit 737 will be admitted into
4 evidence.

5 (Government Exhibit 737 admitted.)

6 MS. ARMIJO: And may we please display
7 Government's Exhibit 737?

8 THE COURT: You may.

9 BY MS. ARMIJO:

10 Q. All right. Mr. Munoz, do you see the
11 screen in front of you?

12 A. Yes, ma'am.

13 Q. And what is it that we're looking at, if
14 you're familiar with the item?

15 A. It's a document from Special Agent Bryan
16 Acee requesting from the state prison system my
17 status information, my judgment and sentence, my
18 identification, and fingerprint cards.

19 Q. And does this actually appear to be from
20 the Corrections Department to him regarding your
21 convictions?

22 A. Yes, ma'am.

23 Q. And I'm going to go to the fourth page of
24 that, which is Bates stamped 8565. Are you familiar
25 with this item?

1 A. Yes.

2 Q. All right. Does this appear to be the
3 first page of, in this case, January 16 of 1996 for
4 trafficking -- I'm sorry, receiving or transferring
5 a stolen vehicle?

6 A. Yes, ma'am.

7 Q. Is that the case that you were just
8 talking to us -- or one of the cases you were
9 talking to us about?

10 A. Yes, it is.

11 Q. All right. And if we could go to the next
12 page.

13 All right. Is this what you were talking
14 about earlier, which is, some of it was suspended
15 and you were sent to serve one year in the
16 Corrections Department?

17 A. Yes, ma'am.

18 Q. And is that when you went officially into
19 the Corrections Department?

20 A. Yes, it is.

21 Q. Now, do you recall which facility you
22 first went into?

23 A. I was sent to the minimum restrict unit in
24 Los Lunas, New Mexico.

25 Q. And did you come into contact with SNM

1 members while there?

2 A. Yes, I did.

3 Q. Who did you come into contact with?

4 A. George Borrego and Adrian Silva, who were
5 two members at that time.

6 Q. Were you sent anywhere else, or did you
7 spend your time there?

8 A. I was transferred from the facility in Los
9 Lunas, New Mexico, to Torrance County Detention
10 Facility, which was primarily housing state
11 prisoners at that time.

12 Q. And again, were you housed with SNM
13 members there?

14 A. Yes, but he was not living in the same
15 unit as was I.

16 Q. All right. Who was it that was living
17 there at the time?

18 A. Samuel Silva.

19 Q. And does he have a nickname?

20 A. Rabbit.

21 Q. So where did you go after spending time
22 there? Were you then released again?

23 A. I was paroled, and I returned to
24 Albuquerque, where I was born and raised. And I
25 moved in with Marty Barros' niece, Mona, and I spent

1 the time that I was out with her. And I cut off my
2 ankle bracelet and I went on the run. And I was
3 arrested at the State Fair, and immediately sent
4 back to the state prison system.

5 Q. All right. How long were you out that
6 time, if you can recall, approximately?

7 A. About six months.

8 Q. So you cut off the ankle bracelet. So did
9 you know that they were looking for you, so to
10 speak?

11 A. Yes, I did.

12 Q. Okay. So you get sent back. And how old
13 are you when you're sent back?

14 A. I'm 16.

15 Q. And was that for a parole violation?

16 A. Yes, ma'am.

17 Q. And when you get sent back, where do you
18 go?

19 A. I go back to the Western New Mexico
20 Correctional Facility, which is where you're
21 returned when you violate your probation. And from
22 there, I was sent to the Southern New Mexico
23 Correctional Facility.

24 Q. Is that here in Las Cruces?

25 A. Yes, ma'am.

1 Q. And were you housed with any SNM members
2 there?

3 A. Yes, I was.

4 Q. Who were you housed with?

5 A. A lot of them.

6 Q. Any leaders in particular?

7 A. Yes. Enrique Clark; we called him Baby
8 Henry. He had command of the facility.

9 Q. And how long did you stay at Southern?

10 A. About 33 days. And I was placed into Seg
11 for assault and transferred to the Main unit.

12 Q. Okay.

13 A. In Santa Fe.

14 Q. And the assault that you committed -- what
15 was that over?

16 A. It was really a personal matter. A young
17 guy and I, we had a conflict with an older big --
18 pretty big white guy, and we decided to jump him.
19 And we failed in our attempt. But for that I was
20 placed into Seg.

21 Q. And how old were you at the time?

22 A. I was 16 still.

23 Q. Now, had anybody explained to you -- you
24 talked about what SNM was. Did you know, did you
25 consider yourself -- or were you considered a member

1 at that time?

2 A. Yes, I was.

3 Q. And did you know the rules of the SNM?

4 A. Yes, I did.

5 Q. What were the rules, as you understood it?

6 A. To obey without question any of the
7 commands I was given by the boss of the facility,
8 and to conduct myself in certain manners that were
9 in line with the rules of the family.

10 Q. Okay. When you say "the family," who are
11 you referring to?

12 A. Talking about the SNM.

13 Q. Do they have any rivals?

14 A. Inferior ones, but yes, we did.

15 Q. Did you say inferior ones?

16 A. Yes.

17 Q. Meaning SNM was the dominant prison gang?

18 A. There is no question about that.

19 Q. Who are some of the rivals?

20 A. The Los Carnales. That was probably our
21 main recurring enemy for a long time, but they never
22 really could do anything to us.

23 Q. Now, you talked about what SNM was in
24 general. What about -- what did it mean to you as a
25 16-year-old being a member?

1 A. It was the most amazing thing ever for me
2 at the time. It was like a celebrity thing for me.
3 It was my life. I defined my identity around it.

4 Q. Did you eventually get moved to a
5 different facility?

6 A. Yes. I stayed in segregation for about a
7 month, serving disciplinary time for the assault.
8 And then, when I completed my disciplinary time, the
9 administration transferred me to the state pen in
10 Santa Fe, Old Main unit.

11 Q. All right. And when you were there, did
12 you have an opportunity to meet -- to be with SNM
13 members?

14 A. Yes, I did.

15 Q. And did you meet any of the leaders there?

16 A. Yes, I did.

17 Q. Who did you meet?

18 A. Anthony Ray Baca, Pup.

19 Q. Pup?

20 A. Anthony Ray Baca, yes, ma'am.

21 Q. Is Pup his nickname?

22 A. Yes, ma'am.

23 Q. Do you know where he gets the nickname
24 from?

25 A. I do not.

1 Q. Had he already had that nickname when you
2 met him?

3 A. Yes.

4 Q. And how did you know -- where in the
5 scheme of things was he? You said he was a leader?

6 A. Yes, he was the boss.

7 Q. Was there anybody above him?

8 A. Just one guy, but he was not at the
9 facility.

10 Q. Who was above him?

11 A. Angel Munoz.

12 Q. And so did you have an opportunity to talk
13 to Pup?

14 A. Just briefly one time in the visiting
15 room, and that was it.

16 Q. Were you given any -- what was your
17 position then at the Main?

18 A. I was a soldier.

19 Q. Okay. Explain what a soldier is.

20 A. A soldier is the guy who is the combat arm
21 of the leadership. I do the bidding of the boss.

22 Q. And who gave you that role?

23 A. That is the role of every member who joins
24 the gang.

25 Q. At some point did you -- you said you were

1 a soldier. Have you ever heard the term "violation
2 crew"?

3 A. Yes, ma'am.

4 Q. What is that?

5 A. It was a squad that was assigned to
6 inflict floggings and beatings on members of the
7 group who violated the rules of the leadership.

8 Q. And who came up with that?

9 A. That came up -- that was designed by Pup
10 and his lieutenants.

11 Q. Okay. And were you assigned to that?

12 A. Yes, ma'am, I was.

13 Q. By whom?

14 A. By Pup and his three subordinates.

15 Q. Who were his three subordinates at the
16 time?

17 A. They were Baby Rob and Robert Martinez,
18 Shaun Ural, and Freddie Sanchez, Fred Dog.

19 Q. Now, do you see Anthony Baca in the
20 courtroom today?

21 A. Yes, ma'am.

22 Q. And where is he?

23 A. He is the gentleman in the suit with the
24 bald head, who is looking at me right now.

25 Q. What color is his suit?

1 A. His suit looks to me like it's navy blue,
2 gray.

3 MS. ARMIJO: May the record reflect the
4 identification of the defendant?

5 THE COURT: The record will so reflect.
6 BY MS. ARMIJO:

7 Q. Now, did you actually do work for the
8 violation crew?

9 A. Yes, I did on two occasions.

10 Q. Now, what year are we talking about now?

11 A. This was in 1997. So shortly -- I would
12 say February or March.

13 Q. While you were still there at the Main?

14 A. Yes, ma'am.

15 Q. And what sort of things did you do?

16 A. For the violation crew, or just --

17 Q. The violation crew.

18 A. Well, on the two occasions that I
19 mentioned, I was taken to the education building for
20 one event, and outside in a blind spot, so to speak,
21 from the towers, the other one, and for exactly one
22 minute myself and another member assaulted the two
23 guys who had violated the rules.

24 Q. Now, you said two people that had violated
25 the rules. What rules are we talking about?

1 A. Just the general rules or any specific
2 rule that the leadership had set. In this
3 particular case, they were supposed to attend a
4 meeting at the yard and they didn't do so, so they
5 were penalized for that.

6 Q. All right. Now -- and so the penalty for
7 not attending a meeting was a beating?

8 A. Yes, ma'am. There were occasions where
9 somebody, a brother, committed an infraction that
10 didn't require his death or it wasn't severe enough
11 that he was to be killed, so Pup and the leadership
12 designed a system where minor violations would
13 result in a beating, so to speak, at the end of
14 which the brother was forgiven, or counseled not to
15 do that again.

16 MS. DUNCAN: Your Honor, I'd like to
17 object. May we approach for a moment?

18 THE COURT: You may.

19 (The following proceedings were held at
20 the bench.)

21 MS. DUNCAN: Your Honor, this witness has
22 testified that he met Pup only once briefly in a
23 visitation room. And he keeps -- when Ms. Armijo is
24 asking him questions, he keeps saying "Pup and his
25 lieutenants." We've been given no notice of any

1 James statements, so these statements by his
2 lieutenants are hearsay. So we'd ask that the Court
3 exclude any hearsay statements related to Mr. Baca.

4 THE COURT: Well, you probably need to lay
5 some foundation. These don't seem to come under any
6 exception. So he's going to probably have to
7 testify from personal knowledge. So you'll have to
8 lay a foundation. Then you'll have to make a
9 judgment as to whether you think it's enough or not.
10 Individually, we'll probably have to take them one
11 at a time.

12 MS. DUNCAN: Okay. Thank you.

13 (The following proceedings were held in
14 open court.)

15 THE COURT: All right. Ms. Armijo.

16 BY MS. ARMIJO:

17 Q. Mr. Munoz, you indicated that -- let me go
18 back just a little bit -- that you had been placed
19 on the violation crew by Anthony Baca?

20 A. Yes, ma'am.

21 Q. How is it that you know he placed you on
22 the violation crew?

23 A. I was given the assignment explicitly by
24 Baby Rob, who was one of the members of his --
25 Anthony Ray Baca's tabla. And I was told by Robert

1 Martinez --

2 MS. DUNCAN: Your Honor, I object. He's
3 about to elicit hearsay.

4 THE COURT: Are you trying to elicit this
5 out-of-court statement?

6 MS. ARMIJO: Let me ask a couple more
7 questions, Your Honor.

8 THE COURT: Okay.

9 BY MS. ARMIJO:

10 Q. Did what Robert Martinez told you have an
11 impact on you as far as what you were doing for the
12 gang?

13 A. They spoke on behalf of the boss.

14 Q. Well, what I'm saying is, you were -- and
15 I don't want to get into what you were told by
16 Robert Martinez yet. But did whatever he told
17 you -- did that cause you to do something on behalf
18 of the gang?

19 A. Yes, ma'am.

20 MS. ARMIJO: So your Honor, at this time I
21 would seek the statements for the impact it had on
22 this witness.

23 THE COURT: All right. I'll give a
24 limiting instruction on this.

25 MS. DUNCAN: Thank you, Your Honor.

1 THE COURT: I'm not exactly sure what the
2 statement is going to be, but whatever it is, you
3 can't consider it for the truth of the matter. You
4 can only consider it for the impact that it had on
5 Mr. Munoz, and maybe explain why he did what he did.
6 But you can't consider these statements that you're
7 about to hear for the truth of the matter.

8 All right. Ms. Armijo.

9 BY MS. ARMIJO:

10 Q. And what was it that Robert Martinez told
11 you?

12 A. He told me that myself and another guy who
13 I knew were going to be violating some brothers for
14 breaking rules.

15 Q. And is that what you referred to as the
16 violation crew?

17 A. Yes.

18 Q. And what was your understanding as to
19 where this order came from?

20 MS. DUNCAN: Your Honor, I'm going to
21 object. This is based on hearsay.

22 THE COURT: Well, I think it's the same
23 understanding. Why don't we do this? Why don't we
24 take this up in the morning. We're at closing time.

25 I'm going to take my Valentine out to the

1 Double Eagle. I've been out there once or twice, so
2 that's where I'm going to take her. We knew each
3 other in first grade. So she wasn't the girl next
4 door, but she was the girl around the block. So we
5 are celebrating 40 years. So I'm going to spend
6 some time with her. I bet she's not going to kiss
7 me sounding like this. I bet she'll stay away.

8 Y'all have a good evening. I hope y'all
9 have a good Valentine's Day. All rise.

10 (The jury left the courtroom.)

11 THE COURT: Mr. Munoz, you're in the
12 middle of your testimony, so don't talk to anybody
13 about your testimony or what's occurring in this
14 trial or anything like that. Okay?

15 THE WITNESS: Yes, sir.

16 THE COURT: All right. You have a good
17 evening.

18 THE WITNESS: You, too.

19 THE COURT: All right. Y'all have a good
20 evening. See y'all tomorrow. Thanks for your hard
21 work.

22 (The Court stood in recess.)
23
24
25

1 Thursday, February 15, 2018

2 THE COURT: All right. Is Mr. Munoz
3 prepared to retake the stand?

4 MS. ARMIJO: I think so, Your Honor.

5 THE COURT: Let's see if we can get him in
6 here.

7 All right. Mr. Munoz, if you'll come up
8 and go ahead and be seated, I'll remind you that
9 you're still under oath.

10 THE WITNESS: Yes, sir.

11 THE COURT: All right.

12 Ms. Armijo, if you wish to continue your
13 direct examination of Mr. Munoz, you may do so at
14 this time.

15 MS. ARMIJO: Thank you.

16 THE COURT: Ms. Armijo.

17 FREDERICO MUNOZ,
18 after having been previously duly sworn under
19 oath, was questioned, and continued testifying
20 as follows:

21 CONTINUED DIRECT EXAMINATION

22 BY MS. ARMIJO:

23 Q. Mr. Munoz, I believe we were discussing
24 maybe your criminal history yesterday, and when you
25 were -- joined the SNM. Now -- and I believe we

1 were still when you were a teenager. So I want to
2 go back to, let's see, 1997. You were talking about
3 you were on a violation crew. Do you recall that?

4 A. Yes, ma'am.

5 Q. Now, when you were doing that, how long
6 did you stay, as far as that prison time, while you
7 were on that violation crew?

8 A. All the way up until the Department of
9 Corrections locked up many of the members of our
10 gang and sent them to the North unit after a
11 stabbing which resulted between the Aryans and our
12 guys. So no more than two months.

13 Q. At that point, do you parole out in 1998?
14 Does that sound about right?

15 A. Yes, ma'am.

16 Q. And when you get out, how long do you last
17 on the streets?

18 A. Nine days.

19 Q. Did you subsequently get another -- pick
20 up another charge for armed robbery?

21 A. Yes, ma'am.

22 Q. Actually, I believe it's already in
23 evidence, Exhibit 737, and if we could go to -- how
24 long were you sentenced to the Department of
25 Corrections for that?

1 A. Nine years.

2 Q. And was any of that suspended?

3 A. I don't believe so, ma'am. It's possible,
4 but I think I served at least half of it.

5 Q. Now, when you picked up that armed
6 robbery, where were you being held pending that
7 charge?

8 A. At the Bernalillo County Detention Center
9 in Albuquerque, New Mexico.

10 Q. And were there other SNM Gang members
11 there?

12 A. Yes, ma'am.

13 Q. Now, prior to going to -- is it called
14 BCDC?

15 A. It was. The new jail is Metropolitan
16 Detention Center. But the old one downtown is
17 Bernalillo County Detention Center, BCDC.

18 Q. BCDC. Prior to going to BCDC, did you
19 have an opportunity to meet Angel Munoz?

20 A. Yes, ma'am.

21 Q. And who is Angel Munoz?

22 A. He was the most senior member of the SNM.

23 Q. And how did it come about that you were
24 able to meet him?

25 A. There was a federal judge that was

1 overseeing the inmate population at the Bernalillo
2 County Detention Center. If the jail population
3 exceeded a certain number, the City would receive a
4 fine. So the remedy or the solution to the jail was
5 to send handfuls of us prisoners from each of the
6 floors to various jails over the weekend, so as to
7 remain under the cap. So a few times during that
8 circumstance, I was chosen to go spend the weekend
9 at a county jail, say, in McKinley County, Milan,
10 which was the 4C, Cibola County Correctional Center.
11 And at that time, when I went on one of those
12 weekends, I met with Angel Munoz, who was finishing
13 up his sentence in the State at Milan.

14 Q. And when you did so, did he give you any
15 instructions as far as -- did he know that you were
16 going to -- you were being housed at BCDC pending
17 the resolution of your armed robbery?

18 A. Yes. We spoke when I would go outside to
19 the rec yard. I would approach his window, which
20 was situated such that I could talk to him while I
21 was having my recreation, so we would talk the whole
22 time I was there.

23 Q. And did he give you any instructions as
24 far as something for you to do when you went back to
25 BCDC?

1 A. Yes, ma'am.

2 Q. And what instructions were those?

3 A. He asked me first who was all there, to
4 give him a list of, by name, everybody who was
5 there. I did that.

6 One of the guys that I mentioned was being
7 targeted by Angel and the family because he had a
8 dual membership in the SNM and also in the Nuestra
9 Familia prison gang, which was systematically
10 removed by our brothers over the years. And he
11 joined our gang, which is a sin, a crime, so when
12 Angel found out that the guy was over there, he told
13 me to kill him.

14 Q. What guy was that?

15 A. His name was Felix Martinez.

16 Q. And when you say he told you to kill him,
17 is there a term for that?

18 A. He said to take him out.

19 Q. Now, prior to around this time, or before
20 this time, you've mentioned Angel Munoz. Had you
21 met Gerald Archuleta yet?

22 A. Yes, I had.

23 Q. And who is Gerald Archuleta?

24 A. He was at that time also a senior member
25 of the SNM, somebody who I considered to be the

1 senior most, behind Angel Munoz and Mr. Baca and
2 Marty Barros.

3 Q. And where did you meet him?

4 A. I met him for the very first time at the
5 Main unit, in 1997, after the stabbing -- when three
6 of our brothers got stabbed by the Aryans. The
7 Department of Corrections locked up a lot of our
8 brothers and sent them to the Level 6, which at that
9 time was just maximum security. And at that point
10 they allowed Gerald Archuleta to come to the general
11 population for orientation, and that's the first
12 time we met.

13 Q. Now, going back to 1998, you had
14 instructions regarding Felix Martinez. Did he have
15 a nickname within the gang?

16 A. Animal.

17 Q. And did you follow through with your
18 orders?

19 A. Yes, I did.

20 Q. Did you have assistance?

21 A. Yes, I did.

22 Q. Who did you have assistance from?

23 A. Two more of our brothers named Leonard
24 Lujan and Manuel Benito, Panther.

25 Q. And what did you all do?

1 A. I organized a hit, an operation. And the
2 three of us went into Felix's room around 3:00 in
3 the afternoon, after a count, and I strangled him.

4 Q. Did you strangle him with anything?

5 A. With a sheet.

6 Q. Were you given directions as to how to
7 kill him or not?

8 A. Oh, it was a recommendation, but it made
9 sense to me, so I followed it.

10 Q. And whose recommendation was it?

11 A. It was Angel's.

12 Q. What did he say as far as the
13 strangulation?

14 A. He said, "Just strangle him. It's
15 quieter. It's not messy."

16 Q. And what did Leonard Lujan and Manuel
17 Benito do?

18 A. Leonard mostly helped me by restraining
19 Felix so that he couldn't get out of the situation.
20 And Manuel Benito was assigned -- I assigned him to
21 watch the door so that nobody could come in and
22 observe what we were doing.

23 Q. Now -- and were you successful?

24 A. Yes, I was.

25 Q. Now, and I guess I should ask, Leonard

1 Lujan and Manuel Benito -- are they SNM members?

2 A. Yes, they are.

3 Q. And were they being held at the Bernalillo
4 County Detention Center, as well?

5 A. Yes, we all lived on the same floor
6 together.

7 Q. Do you know if his body was discovered
8 right away or not?

9 A. I believe it was discovered about -- we
10 killed him around 3:00 in the afternoon. They did
11 not discover him until around 10:00, 10:15, during
12 an emergency count procedure.

13 Q. Okay. 10:15 at night?

14 A. Yes, ma'am.

15 Q. All right. Now, were you -- did they find
16 out -- "they" being law enforcement -- find out that
17 you were involved with that right away, or did that
18 come sometime later?

19 A. It came approximately seven years later.

20 Q. So you remained at the Bernalillo County
21 Detention Center and eventually do you get convicted
22 of the armed robbery?

23 A. Yes, I do.

24 Q. And when you get convicted of armed
25 robbery, where are you sent?

1 A. I was sent back to RDC, which was the
2 reception facility for the state prison in Grants.
3 And from there I was sent to the PNM South unit, in
4 Santa Fe, New Mexico.

5 Q. Would that have been maybe level -- what
6 was it then, 5?

7 A. There was no such thing as a level program
8 in 1998, so it was just a medium security prison.

9 Q. Now, did you meet more -- was that where
10 SNM Gang members were being held, if you recall?

11 A. Yes, ma'am.

12 Q. Did you have an opportunity to meet even
13 more SNM Gang members upon that imprisonment?

14 A. Yes, ma'am.

15 Q. Do you know Daniel Sanchez?

16 A. Yes, ma'am, I do.

17 Q. And do you see him in the courtroom today?

18 A. Yes, I do.

19 Q. Where is he?

20 A. He's the gentleman with the glasses, to
21 the far left of the table.

22 Q. And what is he wearing?

23 A. He's wearing a dark blue -- looks like a
24 shirt with a red tie, and glasses.

25 MS. ARMIJO: May the record reflect

1 identification of Daniel Sanchez?

2 THE COURT: The record will so reflect.

3 BY MS. ARMIJO:

4 Q. And how do you know Daniel Sanchez?

5 A. From both of our mutual membership in the
6 gang.

7 Q. When did you meet him?

8 A. I believe we first met in 1996, at the
9 Southern New Mexico Correctional Facility, here at
10 the state pen.

11 Q. And did you have an opportunity to be with
12 him again after that?

13 A. At the North unit in 1998, we were in the
14 same pod on the same tier.

15 Q. Now, did you -- and did you continue your
16 quest as a soldier, so to speak, once you got back
17 to PNM?

18 A. Yes, ma'am.

19 Q. And was there anyone in particular that
20 you were under?

21 A. Gerald Archuleta.

22 Q. What was Gerald's role back then in 1998?

23 A. I mean, he had command authority. When no
24 one else was around senior to him or with equal
25 status, he was making decisions for all of us

1 everywhere I've ever been.

2 Q. So did you take orders from him?

3 A. Yes.

4 Q. And did that continue throughout the time
5 that you've been -- were in SNM?

6 A. Yes, ma'am.

7 Q. Now, do you get released a few years
8 later?

9 A. Yes, ma'am. In 2001 I was paroled from
10 the North unit in Santa Fe.

11 Q. And you actually go out onto the streets?

12 A. Yes.

13 Q. And were you on parole?

14 A. Yes.

15 Q. Did you still -- even though you were out
16 on parole and on the streets, were you still an SNM
17 Gang member?

18 A. Yes, I was.

19 Q. Did an incident happen in 2003 that ended
20 up landing you back into prison?

21 A. Yes, it did.

22 Q. And what happened?

23 A. I was at a barber shop in the North
24 Valley, in Albuquerque, New Mexico, with another
25 member of our gang, and he advised me that a guy who

1 walked into the barber shop was a member of our
2 rival gang.

3 Q. And which rival gang was that?

4 A. That would be the Los Carnales.

5 Q. And did you, in fact, know the person or
6 not?

7 A. I did not know him. I don't believe he
8 knew me, either. We looked at each other. Didn't
9 recognize him.

10 Q. What significance does it have to see
11 somebody on the street that is possibly a Los
12 Carnales?

13 A. For my purposes -- and no one had ever
14 stopped me of this notion -- we were in a full-blown
15 war, and it was an ongoing war. It didn't matter
16 the location, the venue. If you see a rival, you
17 have to act on it.

18 Q. Okay. So what happened? What did you do?

19 A. I confronted him. I asked him who he was.
20 He approached me and he stated his gang, he
21 announced his identity, his membership in his gang.
22 And so I killed him.

23 Q. How did you kill him?

24 A. I shot him.

25 Q. And what gang -- did he, in fact, announce

1 to you that he was Los Carnales?

2 A. Yes, ma'am. Those were his last words.

3 Q. And you shot him there at the barber shop?

4 A. Yes, ma'am.

5 Q. And so do you eventually get convicted of
6 that, as well?

7 A. Yes. I received a life sentence for that.

8 Q. Now, prior -- and have you been
9 incarcerated ever since then?

10 A. Yes, I have.

11 Q. Prior to going back in for that incident,
12 were you involved in a shooting regarding Julian
13 Romero?

14 A. Yes, ma'am. I shot him.

15 Q. Okay. Who is Julian Romero?

16 A. He -- Julian was also a very senior member
17 of the SNM who, as far as I understand, was there at
18 the very beginning, the genesis of the SNM Gang.
19 But he spent a lot of his time out of the state, so
20 I didn't know him that well until the last few years
21 of 1997, '98, when I first met him.

22 Q. And then you had an opportunity to meet
23 him?

24 A. When he came back from -- I believe he was
25 in Oregon, they returned him to the North unit where

1 most of us were at. And it was Gerald who
2 introduced me to him.

3 Q. "Gerald" being Gerald Archuleta?

4 A. Yes, ma'am.

5 Q. And when Gerald introduced him to you, did
6 he and Julian -- were they getting along at that
7 time?

8 A. Oh, yeah. They had a great deal of
9 affection for each other, to my observation.

10 Q. At some point in time did that come to an
11 end?

12 A. Yes, it did.

13 Q. And how so?

14 A. Because Julian began to have a romantic
15 relationship with Gerald's wife.

16 Q. Based upon -- is that allowed in the SNM?

17 A. It is not.

18 Q. And why not?

19 A. Because it creates dysfunction. It
20 creates suspicion, distrust between the brothers.
21 And Angel Munoz did not want that, and he stated
22 explicitly that that should not happen between
23 brothers.

24 Q. As a result of that, what did Gerald
25 Archuleta do?

1 A. He began to campaign to everybody that
2 Julian has to get dealt with, meaning get killed,
3 removed, taken out.

4 Q. As a result of that, did he give you any
5 explicit orders when you were on the street?

6 A. Yes. He told me if I found him -- to look
7 for him, and if I find him, to shoot him.

8 Q. And based upon who Gerald was to you, were
9 you going to -- were you planning on following those
10 orders?

11 A. Oh, yes, ma'am. I considered it a lawful
12 order, and I accepted it, and I began to look for
13 Julian.

14 Q. Did you eventually find him?

15 A. Yes, I did.

16 Q. Do you recall when this was,
17 approximately?

18 A. I would say about 30 -- exactly a month
19 before the barber shop murder, so I would say
20 towards the end of March of 2003.

21 Q. And what happened?

22 A. I, along with another member of the SNM,
23 went driving in a rental car at the address I was
24 provided that Julian would be at. I made a few
25 circuits around the block. I finally saw him

1 approaching his house. And I pulled up. I was in
2 the passenger seat. And I had a 9 millimeter
3 handgun. I called him, "Julian." He was leaning in
4 the right front driver's side door of the vehicle
5 talking to somebody.

6 Q. And did he respond?

7 A. Yes, he looked up, and he said, "Who is
8 that?" And he didn't identify me right away. He
9 began to approach the vehicle. And I was waiting
10 for him to walk up to the window, and I was going to
11 shoot him in the head. But my brother, who was with
12 us at the time --

13 Q. Who was that?

14 A. That would be Shiman Pacheco. He sort of
15 jumped the gun, got a little antsy, and began to
16 yell, "Shoot him, shoot him." So I started shooting
17 before I was ready.

18 Q. And so did you actually end up hitting
19 Julian Romero?

20 A. Yes, ma'am.

21 Q. Where did you hit him?

22 A. I believe in the torso and the leg.

23 Q. Did he survive?

24 A. Yes, he did.

25 Q. And was that crime ever investigated, that

1 you know of?

2 A. Not to my knowledge, because I reported to
3 the PO officer the very next day, and there was
4 nothing came about it.

5 Q. And then you said that was approximately
6 about a month before the barber shop murder?

7 A. Yes, ma'am.

8 Q. So I'm going to show you again Exhibit
9 737, and if we could go to the ninth -- I believe
10 eighth page of that.

11 A. I don't see anything on this monitor.

12 Q. No, it will come up.

13 Actually, go to the page before.

14 All right. Do you see the document now?
15 Is it showing on your monitor?

16 A. Yes, ma'am.

17 Q. All right. And does that appear to be
18 part of the conviction that you received back in
19 2004?

20 A. Yes, ma'am, for the barber shop murder.

21 Q. And if we could go to the next page,
22 please. And you indicated that you received a life
23 sentence?

24 A. Yes, ma'am.

25 Q. Okay. And is that indicated there on what

1 is Bates stamped 8569?

2 A. Yes.

3 Q. Now -- and so then after receiving this
4 conviction, you then returned back into the prison
5 system; correct?

6 A. Yes. I was returned back to the state
7 penitentiary in Santa Fe, New Mexico.

8 Q. And I'm going to go ahead and go to the
9 same document, Bates 8573. Now, you indicated
10 earlier that the murder that you committed in 1998
11 on Animal -- that you were not initially prosecuted
12 on that case; is that correct?

13 A. It was a cold case. It was classified as
14 a cold case by the Albuquerque Police Department.

15 Q. And then did the investigation pick up and
16 eventually you were investigated for that murder
17 sometime around 2007?

18 A. Yes, ma'am.

19 Q. And as a result of that, did you end up
20 taking a guilty plea?

21 A. Yes, ma'am.

22 Q. And I'm going to go, then, to the very
23 next page. And does this reflect there first-degree
24 murder where you received a life sentence?

25 A. Yes, it does.

1 Q. All right, now. Thank you. Now, when you
2 went back after the barber shop murder to
3 Corrections, what were things like, as far as you
4 and the SNM?

5 A. I think emotionally I was no longer
6 invested in the gang. I lost my passion for it. I
7 spent some time in a relationship with a female, and
8 I began to enjoy that lifestyle. I started to
9 compare that sort of normalcy with the previous
10 eight years of my life, and I didn't want that
11 anymore. I just didn't know how to exit from it. I
12 didn't have an exit strategy, so I lingered and I
13 stayed representing my gang.

14 And when I got back to PNM, the state pen,
15 I began to lose my love and my respect for Gerald,
16 who was my boss at the time, based on some things
17 that were occurring.

18 Q. And I'm going to ask you about those
19 things. Did something occur when you went back up
20 with Gerald Archuleta that made you not look up to
21 him as you once had?

22 A. Yes.

23 Q. What happened?

24 A. I think the biggest thing for me was that
25 Gerald was negotiating a peace treaty with the LC,

1 the Los Carnales gang, while he was simultaneously
2 calling my cellphone while I was out there in
3 society, telling me to find these guys and keep the
4 war up and shoot them and represent him.

5 So I felt like as if he was using me
6 essentially in that the work, so to speak, killing
7 for the gang -- he made my work meaningless, and I
8 didn't like that.

9 Q. All right. And so you resented the fact
10 that you killed on sight a Los Carnales, only to
11 find out that there was possibly a peace treaty
12 going on?

13 A. Oh, yes, ma'am. I mean, I just come back
14 to the state prison with a life sentence for killing
15 guys who are representing the very same gang that
16 I'm observing Gerald and other brothers of mine
17 interacting with civilly. I didn't like that.

18 Q. Now, do you know Carlos Herrera?

19 A. Yes, I do.

20 Q. And I don't know -- if we did discuss this
21 yesterday, I'm sorry -- do you see him in the
22 courtroom today?

23 A. Yes, ma'am. He is, to my line of sight,
24 directly behind you.

25 MS. BHALLA: Your Honor, we stipulate.

1 THE COURT: Does that work for you, Ms.
2 Armijo?

3 MS. ARMIJO: Yes, Your Honor.

4 THE COURT: All right. Ms. Armijo.

5 BY MS. ARMIJO:

6 Q. And is he an SNM Gang member?

7 A. Yes, he is.

8 Q. And when did you first meet him?

9 A. I first met Carlos in RDC in Western New
10 Mexico, when I very first began my criminal career;
11 and then again at the state penitentiary down the
12 road here in Las Cruces in 1996.

13 Q. Now, you indicated that after pleading
14 guilty to life and going back in, that you started
15 to look at things differently as far as your life in
16 the SNM. Now, at some point did you actually decide
17 to leave the gang?

18 A. Yes, I did.

19 Q. And when was that?

20 A. It was really right around that time when
21 I got back and I saw things with Gerald that I
22 didn't like. But again, I pretty much was a coward.
23 I didn't have the courage or the bravery to announce
24 that I didn't want to have anything to do with it no
25 more, so I stayed a member.

1 It was in 2007 -- I believe it was 2007 --
2 it may have been the beginning of 2008 -- when MSNBC
3 came through the facility doing a documentary. They
4 come to various prisons and ask guys if they would
5 tell their story. And I agreed to do that.

6 Q. And when you did that, did you not speak
7 kindly of the SNM?

8 A. I just stated what I felt about it, and
9 that I no longer wanted to have anything to do with
10 it, that I was out of it, yes.

11 Q. Then at that point, were you moved away
12 from the SNM?

13 A. No, ma'am. The Department of Corrections
14 just changed my classification from involuntary
15 segregation to now I was in danger because of my
16 commentary on the show. But they remained -- they
17 would not send me out of state, so I was still
18 living at the state pen with all of the guys that I
19 was criticizing in the program.

20 Q. Now, at some point did you decide to
21 cooperate with the federal government?

22 A. When I made that decision to exit the gang
23 publicly, I accepted who I was after that, and I
24 made myself available to any law enforcement agency,
25 whether it was the federal agency, the state prison

1 investigators. If anybody needed to talk to me, I
2 was willing to talk to them, yes.

3 Q. And did you talk to various people?

4 A. Sure. Representatives of STIU questioned
5 me about things, some folks from the federal
6 government, in 2008.

7 Q. And were you eventually arrested in a case
8 separate from this one that you're here testifying
9 on, but a different one with other individuals in
10 April of 2016 on a RICO conspiracy?

11 A. You mean the very beginning of this
12 overall case? Is that what you're --

13 Q. Yes, I mean, were you aware that there
14 have been various roundups and various indictments
15 into the SNM?

16 A. I was at the drop-out yard in Clayton, New
17 Mexico, when -- I believe when this began. Now, the
18 day before the very first takedown, I was approached
19 by representatives of the federal government about
20 it, yes.

21 Q. Okay. And then at that point was that in
22 December of 2015, if you recall? And you may not
23 recall.

24 A. I just know that the day of the takedown,
25 it was broadcast all over the local media in

1 Albuquerque. All I know is that about two days
2 before that, I had my very first conversation with
3 Mark Myers, who was deputy secretary of the state
4 prison system, and an STIU officer who stated that
5 the federal government was in the process of taking
6 down the SNM Gang.

7 Q. And at that point, you were already
8 removed in a different facility?

9 A. Yes, I was returned back to the Level 6
10 without ever any accusation of any kind of
11 misconduct where I was at. But I presume it had to
12 do with this case, because the day of my placement
13 from the facility I was at to the North was, I
14 think, the day this federal investigation began.

15 Q. And at some point in April of 2016, were
16 you indicted?

17 A. Yes, ma'am, I was.

18 Q. And did you plead guilty?

19 A. Yes, I did.

20 Q. Now, did you actually plead guilty to
21 slightly different charges than you were indicted
22 for; do you recall? I should say -- and I'll
23 explain it --

24 MS. ARMIJO: I'm going to move for the
25 admission of Exhibits 696 through 698.

1 THE COURT: Any objection from the
2 Defendants?

3 MS. ARMIJO: Your Honor, may we approach?

4 THE COURT: You may.

5 (The following proceedings were held at
6 the bench.)

7 THE COURT: What do you have there?

8 MS. DUNCAN: Your Honor, I don't object to
9 the plea agreement; or if there is an addendum, I
10 don't object to that. I object to this information
11 because it has the language, common language, in the
12 indictment that we asked the Court to strike about
13 the history and background of the SNM.

14 THE COURT: What's the other document?

15 MS. DUNCAN: It has the factual basis. It
16 doesn't implicate us. I don't mind.

17 THE COURT: Have you redacted this the
18 same way as the others? So there is no problem?

19 MS. DUNCAN: No.

20 THE COURT: 697. Anybody else have any
21 problem with it? So Government's Exhibit 697 will
22 be admitted.

23 MS. ARMIJO: The issue with the
24 information -- he didn't plead straight up to the
25 charge. He pled to more. He pled to an information

1 because -- for his sentencing exposure to be greater
2 than he was actually indicted. That's the point I'm
3 bringing out with the information.

4 THE COURT: Why don't you do this? If you
5 want to make the point -- and I'll certainly let you
6 make the point -- why don't you put this in front of
7 him, say, "You didn't pled to the indictment, right?
8 You pled to an information. You pled for more than
9 what's in the indictment?"

10 Then let's just not put this in.

11 MS. ARMIJO: Okay.

12 MR. VILLA: Your Honor, I guess I forgot
13 about it, too, but could you say something to the
14 jury about Ms. Fox-Young? She's with a sick baby.

15 THE COURT: I'll do it.

16 (The following proceedings were held in
17 open court.)

18 THE COURT: Mr. Villa reminds me we got so
19 excited about Valentine's Day and Ms. May, I didn't
20 do what I promised I would do about Ms. Fox-Young.
21 She's got a little four-month-old baby that's with
22 her down here in Las Cruces. So she's been working
23 during the day and been going back to the apartment
24 in the evening. The baby was sick today, and so
25 with all the things going on, I just excused her.

1 And so we'll probably see her later, but that's
2 where she is, if you wanted to know. The baby
3 wasn't feeling well.

4 All right. Ms. Armijo.

5 Q. And Your Honor, I believe there was no
6 objection to 697.

7 THE COURT: I admitted 696, I think.

8 MS. ARMIJO: No, 697.

9 THE COURT: I'm not sure I made a ruling
10 on the third document. I said what we were going to
11 do on the information.

12 MS. ARMIJO: The plea agreement?

13 THE COURT: The plea agreement is 697?

14 MS. ARMIJO: Yes.

15 THE COURT: So it's admitted into
16 evidence.

17 (Government Exhibit 697 admitted.)

18 MS. ARMIJO: And I believe there is also
19 an addendum, which is 698.

20 THE COURT: Anybody have any problem with
21 the addendum?

22 MS. DUNCAN: No, Your Honor.

23 THE COURT: So not hearing any objection,
24 Government's Exhibit 698 will also be admitted into
25 evidence.

1 (Government Exhibit 698 admitted.)

2 BY MS. ARMIJO:

3 Q. And I'm going to show you, Mr. Munoz,
4 Exhibit Number 696.

5 MS. ARMIJO: May I approach, Your Honor?

6 THE COURT: You may.

7 BY MS. ARMIJO:

8 Q. Are you familiar with that document?

9 A. Yes, I am.

10 Q. All right. And did you, in fact, plead
11 guilty -- instead of pleading guilty to your
12 indictment that you were indicted on, did you plead
13 guilty to an information and expose yourself to a
14 greater sentence than you had been indicted on?

15 A. Yes.

16 Q. All right. I'm going now to Exhibit
17 Number 697, the first page. Does this appear to be
18 your plea agreement?

19 A. Yes, ma'am.

20 Q. And then the next page. You indicated
21 that you had pled guilty to a racketeering
22 conspiracy. Does that sound correct?

23 A. Yes.

24 Q. And then you pled guilty to a greater
25 charge that could receive a punishment of up to

1 life; is that correct?

2 A. Yes.

3 Q. And is that actually reflected on this
4 page?

5 A. Yes, ma'am, it is.

6 Q. All right. And I'm also going to show you
7 Exhibits Number 619 through 627.

8 MS. ARMIJO: With no objection, Your
9 Honor?

10 THE COURT: No objections to 619 through
11 627?

12 Not hearing any objections, Government's
13 Exhibits 619 through 627 will be admitted into
14 evidence.

15 (Government Exhibits 619 through 627
16 admitted.)

17 BY MS. ARMIJO:

18 Q. And can we please show 619? All right.
19 What is it that we're looking at here?

20 A. That is me.

21 Q. Okay. And that is on your arrest date of
22 April 28 of 2016?

23 A. Yes.

24 Q. Do you have any tattoos, I should ask?

25 A. Yes, I do.

1 Q. Do you have any SNM tattoos?

2 A. Yes, ma'am, I have three of them.

3 Q. We're going to go to 620. Is this a
4 photograph of you?

5 A. Yes, ma'am.

6 Q. Can you see any of the SNM Gang tattoos on
7 you?

8 A. Yes, the center of my chest.

9 Q. Okay. I'm going to Exhibit 621. And is
10 that a picture of the Zia symbol with the S?

11 A. Yes, ma'am.

12 Q. Do you also have an NM in it?

13 A. Yes, ma'am, it does.

14 Q. And then we're going to go to Exhibit
15 Number 622. What is it that we're looking at here?

16 A. That's just -- the "thug" is the thug life
17 tattoo that I have on my forearms. You see one
18 portion of that here. Then the Zia symbol on my
19 wrist has the initials SVP for Street Gang, South
20 Valley Pajaritos.

21 Q. Let's go to 623, please. Is that the
22 other tattoo you're talking about?

23 A. Yes, with the street gang on it.

24 Q. Okay. And then if we could go to 624,
25 what is that?

1 A. That's the other part of the thug life
2 tattoo. And then directly below that, in cursive,
3 are the letters "SNM," and below that is an
4 ugly-looking bar code with my state prison number.

5 Q. Okay. And so I'm circling what's between
6 "life" and, as you state, the "ugly-looking bar
7 code." Is that SNM?

8 A. Yes, ma'am.

9 Q. And can we go, please, now to Exhibit 625?
10 I'm sorry, we're on 626. And what is it that we're
11 looking at here?

12 A. A tattoo with the word "Sindicato."

13 Q. And what does that stand for?

14 A. That's the syndicate.

15 Q. And lastly, 627. And what is that?

16 A. That's just a Playboy bunny.

17 Q. What is your nickname?

18 A. Playboy.

19 Q. Who gave you that name?

20 A. My sister's friends.

21 Q. All right. Thank you.

22 Since cooperating with the Government,
23 have you received money for being -- or while you
24 were signed up with the Government, did you receive
25 money as part of your assistance?

1 A. Yes.

2 Q. Do you recall approximately how much that
3 was?

4 A. I don't recollect, ma'am. I would say on
5 a quarterly basis about \$250.

6 Q. Okay. And do they put it on your books on
7 a quarterly basis?

8 A. Yes.

9 Q. And I say "books," on --

10 A. Inmate account system.

11 Q. Okay. Now, have you -- did you have a
12 tablet in this case?

13 A. Yes.

14 Q. And what was the tablet for?

15 A. For the discovery for this case.

16 Q. And were you being housed with other
17 cooperators at Sandoval County?

18 A. Yes, ma'am.

19 Q. At some point in time did you tamper with
20 that tablet?

21 A. Yes, I did.

22 Q. And by "tamper," what do you mean?

23 A. I reset the tablet to the original Windows
24 10 format.

25 Q. And what would that allow you to do?

1 A. Access the entire function of the Windows
2 10 operating system.

3 Q. And by doing so, were you able to be on
4 the internet?

5 A. Yes, ma'am.

6 Q. Did you also lose the ability at that
7 point to review the discovery?

8 A. Yes. When you reset it, the discovery
9 gets erased, the entire C drive.

10 Q. Were you allowed to do that?

11 A. I never saw any rule proscribing against
12 it. I'm pretty sure it was implicit that we don't
13 do that sort of thing. But when it was discovered
14 that there was Wi-Fi across the street, the
15 temptation was too great not to.

16 Q. So when you did it, you knew that was
17 probably something you weren't supposed to do?

18 A. Right.

19 Q. And what sort of things did you look at on
20 the internet?

21 A. Pornography. I downloaded a lot of video
22 games, music video, and songs, like, MP3 files for
23 music.

24 Q. Now, I may not have mentioned this. I'll
25 ask you now. During your time with the Corrections,

1 I know you mentioned that the SNM was involved in a
2 lot of different crimes. Were they involved in
3 drug-trafficking?

4 A. Yes.

5 Q. And did you yourself partake in any drug
6 activities while you have been with the Department
7 of Corrections?

8 A. While I was an active member, throughout
9 the span of my career in the SNM, I flirted with
10 heroin, weed. Since I've left the gang and I've
11 been free to make my own choices and decisions apart
12 from everybody, I haven't messed around with any
13 kind of drugs.

14 Q. And when you say "messed around," that
15 means you haven't taken --

16 A. I haven't used them, yes, ma'am.

17 Q. And the murders that you committed, that
18 you have received life sentences for -- were those
19 committed for the SNM?

20 A. That was the only reason I did either one
21 of those things, ma'am.

22 MS. ARMIJO: If I may just have a moment,
23 Your Honor?

24 THE COURT: You may.

25 MS. ARMIJO: Pass the witness.

1 THE COURT: Thank you, Ms. Armijo.

2 Ms. Duncan, do you want to take the lead
3 here? Ms. Duncan.

4 MS. DUNCAN: Yes, Your Honor.

5 CROSS-EXAMINATION

6 BY MS. DUNCAN:

7 Q. Good afternoon, Mr. Munoz.

8 A. Good afternoon.

9 Q. I think you testified that you met Mr.
10 Baca in early 1997; correct?

11 A. Yes.

12 Q. And a few months after you met him, he was
13 transferred out of the housing unit where you were
14 living; correct?

15 A. Well, at the facility.

16 Q. Transferred out of the facility.

17 A. Yes.

18 Q. And then at the end of 1997, he was
19 actually transferred out of state; correct?

20 A. Yes.

21 Q. And Mr. Baca was out of state until
22 approximately 2008; correct?

23 A. I believe he returned, but I never saw him
24 or interacted with him. I can't tell you exactly
25 when.

1 Q. Fair enough. So you saw him in 1997, and
2 then you never saw him again; is that correct?

3 A. Yes.

4 Q. And Ms. Armijo asked you about the plea
5 agreement that you entered in this -- or not in this
6 case, but in a related case; correct?

7 A. Yes.

8 Q. And you indicated that you had pled to a
9 charge greater than you had originally been charged
10 with; right?

11 A. Right.

12 Q. And the purpose of charging you in that
13 federal case was to get you into federal custody;
14 correct?

15 A. Yes.

16 Q. And the plan was, having brought you into
17 federal custody, that they could release you as soon
18 as your state sentence was over; correct?

19 A. You might have to clarify that for me.

20 Q. Sure. The idea was they would charge you
21 federally, so you'd be serving a federal sentence;
22 right?

23 A. Yes.

24 Q. And then they could transfer you into the
25 Federal Bureau of Prisons?

1 A. Immediately.

2 Q. You're currently serving a state sentence;
3 correct?

4 A. I'm serving two state life sentences.

5 Q. So when those sentences were over, once
6 you're in federal custody, you could be released
7 sooner than had you stayed in state custody;
8 correct?

9 A. No, ma'am. I must serve, by law, the
10 entire 30-year life sentence. You don't earn good
11 time. It makes no difference where I'm at, what
12 facility, whether it's in New Mexico or not.

13 Q. But you're aware that New Mexico can waive
14 its jurisdiction over your sentence; correct?

15 A. I'm not aware of that. By which you mean,
16 I will be transferred to serve my sentence
17 elsewhere, but the time still runs.

18 Q. Let me --

19 A. In other words, the federal government
20 doesn't take me into custody and, wink, wink, let me
21 out to the streets while the State thinks I'm
22 serving a life sentence elsewhere.

23 Q. Do you recall a conversation with your
24 mother where you talked about the plan that you had
25 to be charged federally and taken into federal

1 custody?

2 A. I might have discussed that sort of thing
3 with her, sure.

4 Q. And the plan was, you'd explain to Judge
5 Browning that you'd only been charged to go into
6 federal custody; correct?

7 A. Yes, ma'am.

8 Q. And that, under the plan, that the
9 Government would say that they thought you should go
10 home as soon as your second conviction is up;
11 correct?

12 A. Yes.

13 Q. And you told your mother you thought that
14 would be about a year and a half?

15 A. Okay. I know what you're talking about.
16 The discussion that you're talking about was a
17 separate idea that I had that had nothing to do with
18 this legal plea agreement that I signed. What I was
19 hoping to do or look into was the idea of having my
20 sentence commuted through Governor Martinez. But
21 that was obviously just a pipe dream that would
22 never come about.

23 Q. Well, it wasn't just your pipe dream,
24 though; you talked to Mark Myers about it; correct?

25 A. Yes, I did.

1 Q. And he is an employee of the Department of
2 Corrections?

3 A. Not anymore.

4 Q. Right. Because he's now working with the
5 federal government in prosecuting this case;
6 correct?

7 A. I don't know that status, ma'am. I only
8 know that the last time Mark Myers and I spoke, he
9 said he was leaving the state Corrections
10 Department. He was no longer going to be chief of
11 staff or deputy secretary.

12 Q. But you understand that he is a task force
13 officer with the federal government?

14 A. I knew he was all the way up until the
15 time of his leaving the State. As to what he's
16 doing right now, I have not had any conversations
17 with anybody about his status, ma'am.

18 Q. You had a conversation with him about this
19 clemency idea; correct?

20 A. Yes.

21 Q. And he told you that he thought you should
22 have your lawyer draft up a clemency petition to
23 submit to Governor Martinez; correct?

24 A. Yes, that he would take to her personally.

25 Q. And he would meet with her to discuss the

1 clemency petition?

2 A. Yes, ma'am.

3 Q. And that Prosecutor Armijo would also
4 speak to the Governor on your behalf with the
5 clemency petition?

6 A. I never had a discussion with Ms. Armijo
7 about that. I was hoping to have that sort of
8 conversation in the ensuing months. But again, when
9 Mark Myers announced that he was leaving, for my own
10 purposes I looked at it, like, well, then, the idea
11 is dead with it.

12 Q. When you spoke to Mark Myers, he told you
13 that Ms. Armijo had agreed to that; correct?

14 A. He said that he spoke to various folks --
15 MS. ARMIJO: Objection. Calls for
16 hearsay.

17 THE COURT: Well, what are you trying to
18 prove? What are you trying to do with it?

19 MS. DUNCAN: Your Honor, Mr. Munoz had a
20 conversation with his mother where they discussed
21 this clemency petition and promises that were made
22 to him. And one of those promises was that members
23 of the prosecution would advocate on his behalf to
24 Governor Martinez for commutation.

25 THE COURT: What are you trying to prove

1 with his statement? Are you trying to prove the
2 truth of it? If it is, I'm going to have to sustain
3 the objection.

4 MS. DUNCAN: I guess it's his expectation,
5 Your Honor, so --

6 THE COURT: Well, I think that you're
7 trying to, I think, prove the truth of the
8 statements out of court, so I'll sustain the
9 objection.

10 MS. DUNCAN: Now, Your Honor, could I have
11 one moment, please?

12 THE COURT: You may.

13 MS. DUNCAN: I have no further questions,
14 Your Honor.

15 THE COURT: Thank you, Ms. Duncan.
16 Anyone else have cross-examination of Mr.
17 Munoz?

18 MR. MAYNARD: No, Your Honor.

19 THE COURT: All right. Mr. Villa?

20 MS. JACKS: I do, just briefly.

21 THE COURT: All right, Ms. Jacks.

22 CROSS-EXAMINATION

23 BY MS. JACKS:

24 Q. Mr. Munoz, you wrote sort of a life
25 history out for Agent Acee, didn't you?

1 A. Yes, ma'am.

2 Q. And it was about 46 pages?

3 A. Maybe 42.

4 Q. 42?

5 A. 46. I'll stipulate to that.

6 Q. You took your time with it, and you went
7 through sort of your criminal lifestyle from the
8 time that you were a very young teenager up until
9 today?

10 A. Yes, ma'am.

11 Q. And I just have a couple of questions
12 about that that I want to follow up with you on.
13 First of all, do you remember what you said about
14 your role in being the driving force behind
15 virtually all of the internal SNM bloodshed for 1998
16 to 2007?

17 A. Yes.

18 Q. And what did you say?

19 A. That I was advocating and campaigning to
20 do a lot of the hits on the brothers that needed to
21 be dealt with, within the feuding that was existing
22 in the SNM between various members.

23 Q. And that you considered yourself the
24 driving force behind that violence?

25 A. Yes.

1 Q. Was that true?

2 A. Yes.

3 Q. Okay. That's still true?

4 A. Yes.

5 Q. And what did you say about your alliance
6 with Gerald Archuleta, who we've been calling Styx?

7 A. That he was my boss. He was my commander.
8 I was devoted to him and his leadership. So if he
9 assigned me a job, I was going to do it, whatever it
10 was.

11 Q. Did you say that you and Styx drove and
12 dominated the SNM narrative?

13 A. Yes.

14 Q. Now, within that context, I want to talk
15 to you about a particular assault -- well, actually
16 a particular homicide, I think.

17 A. Okay.

18 Q. And that is the homicide of David Padilla.

19 A. I don't know about a David Padilla being
20 killed, ma'am.

21 Q. Assaulted?

22 A. Yes, at the main unit in 1997, yes.

23 Q. Yes. This is some time ago.

24 A. Yes.

25 Q. I guess I want to start just by talking

1 about, was David Padilla somebody who you
2 participated in an assault on?

3 A. Yes, I assaulted him. I set that whole
4 thing in motion. And I conducted the assault on
5 him, yes, ma'am.

6 Q. And was David Padilla somebody that you
7 had an issue with?

8 A. I didn't know him, other than the
9 allegation that he was a member of the rival LC
10 Gang.

11 Q. And so because he was from a different
12 gang, you thought that the actions of -- your action
13 should be to assault him or try to kill him?

14 A. Yes, ma'am.

15 Q. And do you remember what Styx thought
16 about that idea?

17 A. He stated to me and other brothers that he
18 had had a conversation with David while they were
19 still at the orientation, being classified, whether
20 the department was going to determine if they were
21 going to come up to the general population or not.
22 They had a conversation, Gerald and David, and that
23 Gerald was satisfied with David's explanation that
24 he was not part of the gang, and we were to leave
25 him alone.

1 Q. That you should work to leave him alone?

2 A. That we were to leave him alone.

3 Q. Okay. So that was a command by the person
4 that you considered your leader within SNM?

5 A. Who I had just met. I had just met him,
6 yes, ma'am. But yes, that is the same guy.

7 Q. So Styx told you and other people, "Leave
8 this guy alone"?

9 A. Yes.

10 Q. "Don't assault him"?

11 A. Yes.

12 Q. And what did you take it upon yourself to
13 do?

14 A. To assault him anyway.

15 Q. And did you have trouble -- well, why,
16 first of all?

17 A. Well, because just not even a month or two
18 before that, three of our members were stabbed by
19 three -- or a handful of Aryan Brotherhood
20 representatives in that very same cell block and
21 location where I was living at. And our brothers
22 were deceived in much the same way that I felt David
23 could have possibly been deceiving Styx about his
24 membership, that everything was going to be okay. I
25 did not want to wake up the next morning with a

1 knife in my throat. So I figured, my calculation
2 was, I'm going to do to this guy -- to him before he
3 can do it to me.

4 Q. Kind of like the best defense is a good
5 offense?

6 A. Exactly.

7 Q. And in spite of the fact that -- I guess
8 the fact that Styx told you not to, that didn't stop
9 you from doing it?

10 A. I considered it. It was risky. A few
11 other brothers who heard that, when I approached
12 them that I was going to do it, probably advised me
13 not do it; that it would be a bad idea. So again, I
14 didn't want to get stabbed or assaulted, so I
15 decided I'm going to go ahead and assault the guy
16 first.

17 Q. And was also part of your calculation in
18 deciding to do it that if you were successful, it
19 could only enhance your reputation?

20 A. Yes, ma'am. Sure.

21 Q. So you had something personal to gain by
22 doing this.

23 A. Yeah, I had a personal motive. I mean, I
24 was a new member. I was trying to build my
25 portfolio, so to speak.

1 Q. And did you recruit some other people to
2 help you --

3 A. Yes.

4 Q. -- assault Mr. Padilla?

5 A. Yes.

6 Q. And were those also people that were
7 associates or members of SNM?

8 A. Yes, ma'am, with the exception of one guy
9 who was new. He was a prospect. So I had him
10 participate to see if he was willing to do that sort
11 of thing. But all the other members that were
12 present for that assault were brothers in the SNM,
13 yes.

14 Q. And did the people that you recruited to
15 help you -- did they know that Styx had said not to
16 assault this guy?

17 A. Yes.

18 Q. And they didn't care, and helped you
19 anyway?

20 A. Yes, ma'am.

21 Q. I want to ask you a question about the
22 murder of a guy known as Anthony Apodaca.

23 A. Okay.

24 Q. You wrote about that in your biography,
25 too; right?

1 A. Yes.

2 Q. What was his nickname?

3 A. Popeye.

4 Q. And was Popeye killed?

5 A. I believe so, yes.

6 Q. By somebody that was in SNM?

7 A. Yes, ma'am.

8 MS. ARMIJO: Objection, foundation.

9 THE COURT: Well, lay some foundation for
10 it.

11 BY MS. JACKS:

12 Q. Well, did you write in your biography
13 about the murder of Popeye?

14 A. Yes.

15 Q. And what was the source of your
16 information?

17 A. A guy named Ivan Trujillo who told me that
18 before --

19 MS. ARMIJO: Objection.

20 THE COURT: Don't tell us what he said.

21 Set up the next question.

22 BY MS. JACKS:

23 Q. Well, without telling us what Mr. Trujillo
24 told you, did you provide some information -- well,
25 let me go back. Regarding the murder of Popeye, did

1 you pass on any sort of information regarding Styx
2 or Gerald Archuleta's involvement in ordering that
3 murder?

4 A. Yes, I did.

5 Q. You did?

6 A. Yes, ma'am. His death, ma'am, has never
7 been officially listed as a murder.

8 Q. Popeye's?

9 A. Yeah.

10 Q. It's an accident?

11 A. It was an overdose.

12 Q. And is it your belief, as you sit here
13 today, that that was something that was ordered by
14 Gerald Archuleta, Styx, as the boss of the SNM?

15 MS. ARMIJO: Objection, foundation.

16 THE COURT: Lay a foundation if he knows
17 this information from personal knowledge.

18 MS. JACKS: I think he's established he
19 only knows it from somebody else, so --

20 THE COURT: Well, then we better --
21 sustained, then.

22 MS. JACKS: I think that's it, Mr. Munoz.
23 Thank you.

24 THE WITNESS: You're welcome.

25 THE COURT: Thank you, Ms. Jacks. I think

1 that's everybody.

2 Ms. Armijo, do you have redirect of Mr.
3 Munoz?

4 REDIRECT EXAMINATION

5 BY MS. ARMIJO:

6 Q. Did you ever discuss or request of the
7 prosecution team specifically anything for clemency
8 of your crime?

9 A. No, ma'am.

10 Q. Do you know, did Mark Myers tell you, in
11 fact, that he was retiring?

12 A. Yes, ma'am.

13 Q. When are you parole-eligible?

14 A. In theory, I will parole from the first
15 conviction of murder in 2037, to the remainder of
16 the second life sentence, which will expire -- I'm
17 sorry, in 2033, the 30 years will finish on the
18 first murder. If the parole board elects to parole
19 me from that, I will have to serve the remainder of
20 the second life sentence, which will expire or run
21 the 30-year point in 2037. That will be the
22 earliest time at the state level I could parole.

23 Q. And at the state level for parole, that is
24 not mandatory parole; correct?

25 A. No, ma'am. It just means that I go before

1 a board, and I lobby them and beg them to release
2 me.

3 Q. And you indicated that the move regarding
4 David Padilla was risky. Why was it risky?

5 A. Because I was defying the guy that was
6 about to come to our facility and run it.

7 Q. That being Gerald Archuleta?

8 A. Yes, ma'am.

9 Q. Why did you feel that you had to do that?

10 A. Because I didn't want to get stabbed. I
11 mean, I look at it, like, I would rather be
12 insubordinate and disobey my boss than get stabbed.

13 Q. And ultimately, after you did that, you
14 indicated that you were building your portfolio.
15 What did you mean by that?

16 A. I was developing street credit, prison
17 credit. I was demonstrating to my brothers and
18 everybody else that I was a serious person, even
19 though I was young; that I would do those sort of
20 things.

21 Q. And does doing murders increase your
22 status in the SNM?

23 A. Absolutely.

24 Q. And do they help you with your status and
25 even increase your status?

1 A. Not only within the SNM, but across all of
2 the criminal community.

3 Q. And that applies specifically to the SNM?

4 A. Yes, ma'am.

5 MS. ARMIJO: I believe that's all I have.
6 Thank you, Your Honor.

7 THE COURT: Thank you, Ms. Armijo.

8 All right. Mr. Munoz, you may step down.

9 Is there any reason that Mr. Munoz cannot
10 be excused from the proceedings? Ms. Armijo?

11 MS. ARMIJO: No, Your Honor.

12 THE COURT: How about from the Defendants?
13 Can he be excused?

14 MS. DUNCAN: Yes.

15 THE COURT: Not hearing any objection, you
16 are excused from the proceedings.

17 THE WITNESS: You have a good day.

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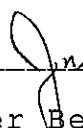
1 UNITED STATES OF AMERICA

2 STATE OF NEW MEXICO

3
4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
6 Official Court Reporter for the State of New Mexico,
7 do hereby certify that the foregoing pages
8 constitute a true transcript of proceedings had
9 before the said Court, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 12th day of March, 2018.

13
14 
15 Jennifer Bean, FAPR, RMR-RDR-CCR
16 Certified Realtime Reporter
17 United States Court Reporter
18 NM Certified Court Reporter #94
19 333 Lomas, Northwest
20 Albuquerque, New Mexico 87102
21 Phone: (505) 348-2283
22 Fax: (505) 843-9492
23 License expires: 12/31/18
24
25

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492

BEAN
& ASSOCIATES, Inc.
PROFESSIONAL COURT
REPORTING SERVICE

MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com